

HOUSE BILL No. 1232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-42-22.

Synopsis: Tamper resistant prescription drug forms. Requires practitioners to use official tamper resistant prescription drug forms when issuing a written prescription. Prohibits a pharmacist from filling a written prescription that is issued by an Indiana practitioner if the prescription is not on an official tamper resistant prescription drug form.

Effective: July 1, 2009.

Frizzell

January 12, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1232

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-256.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 256.5. "Official tamper resistant**
4 **prescription drug form", for purposes of IC 16-42-22, has the**
5 **meaning set forth in IC 16-42-22-5.7(b).**

6 SECTION 2. IC 16-18-2-292 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 292. "Prescription", for
8 purposes of IC 16-42-19 **and IC 16-42-22**, has the meaning set forth
9 in IC 16-42-19-7.

10 SECTION 3. IC 16-18-2-321.8 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2009]: **Sec. 321.8. "SAS 70 audit", for**
13 **purposes of IC 16-42-22, has the meaning set forth in**
14 **IC 16-42-22-5.7(c).**

15 SECTION 4. IC 16-42-22-4.5, AS AMENDED BY P.L.157-2006,
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2009]: Sec. 4.5. As used in this chapter, "practitioner" means



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any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatric medicine in Indiana.
- (4) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under IC 25-24-3.
- (5) An advanced practice nurse licensed and granted the authority to prescribe legend drugs under IC 25-23.
- (6) A physician assistant who has the authority to prescribe legend drugs as delegated by a supervising physician under IC 25-27.5-5.**

SECTION 5. IC 16-42-22-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.7. (a) This section does not apply to the following:**

- (1) A prescription that is generated within a licensed health care facility if:**
 - (A) the prescription drug is dispensed internally to a patient receiving treatment at the facility; and**
 - (B) the patient is never in possession of the prescription.**
- (2) A prescription written by a practitioner that is not licensed in Indiana.**
- (3) A verbal, facsimile, or electronic prescription.**
- (4) A prescription written by a veterinarian.**

(b) As used in this section, "official tamper resistant prescription drug form" means a prescription drug form that:

- (1) meets the requirements established by the federal Centers for Medicare and Medicaid Services for Indiana's Medicaid program; and**
- (2) is on tamper resistant paper.**

(c) As used in this section, "SAS 70 audit" refers to the Statement on Auditing Standards No. 70, an internationally recognized auditing standard developed by the American Institute of Certified Public Accountants.

(d) Each written prescription issued by a practitioner must be written on an official tamper resistant prescription drug form.

(e) Except as provided in subsection (f), a pharmacist may not fill a written prescription from a practitioner licensed in Indiana unless the prescription is issued on an official tamper resistant prescription drug form.

(f) A pharmacist may provide emergency supplies of a

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- 1 prescription as allowed by law.
- 2 (g) An official tamper resistant prescription drug form may
- 3 include unique serial numbers for tracking purposes and to
- 4 decrease potential fraud. Inclusion of a serial number does not:
- 5 (1) place additional tracking or reporting responsibilities on
- 6 a practitioner or pharmacist; or
- 7 (2) affect the liability or responsibility of a practitioner or a
- 8 pharmacist.
- 9 (h) A practitioner shall use reasonable safeguards to prevent
- 10 theft or unauthorized use of an official tamper resistant
- 11 prescription drug form.
- 12 (i) The manufacturer of official tamper resistant prescription
- 13 drug forms shall have an annual industry approved SAS 70 audit.
- 14 The manufacturer shall make the audit available to the board upon
- 15 the board's request.
- 16 (j) The board shall maintain a list of manufacturers that fail to
- 17 show proof of an audit described in subsection (i) and may
- 18 distribute the list to a practitioner or pharmacist.
- 19 (k) The Indiana board of pharmacy may adopt rules under
- 20 IC 4-22-2 necessary to implement this section.

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